UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,276	07/09/2001	Sheldon O. Linker		7557

	7590	11/24/2004

Sheldon O. Linker
13612 Onkayha Circle
Irvine, CA 92620

EXAMINER
LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 July 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07/09/01</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-5 are pending in this Office Action.

Priority

2.   The examiner notes a provisional-application (60/217169) was filed under the

same title as the present application. No benefit has been claimed, however.

3.   If applicant desires priority under 35 U.S.C. 119 (e) based upon a previously filed

application, specific reference to the earlier filed application must be made in the instant

application. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must

include the relationship (i.e., continuation, divisional, or continuation-in-part) of the

applications. This should appear as the first sentence of the specification following the

title, preferably as a separate paragraph unless it appears in an application data sheet.

The status of nonprovisional parent application(s) (whether patented or abandoned)

should also be included. If a parent application has become a patent, the expression

"now Patent No. _____" should follow the filing date of the parent application. If a

parent application has become abandoned, the expression "now abandoned" should

follow the filing date of the parent application.

    If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or

after November 29, 2000, the specific reference must be submitted during the pendency

of the application and within the later of four months from the actual filing date of the

application or sixteen months from the filing date of the prior application. If the

application is a utility or plant application which entered the national stage from an

international application filed on or after November 29, 2000, after compliance with 35

U.S.C. 371, the specific reference must be submitted during the pendency of the

application and within the later of four months from the date on which the national stage

commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the

prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not

extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or

120, where applicable, within this time period is considered a waiver of any benefit of

such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim

filed after the required time period may be accepted if it is accompanied by a grantable

petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e),

120, 121 and 365(c). The petition must be accompanied by (1) the reference required

by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application

(unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a

statement that the entire delay between the date the claim was due under 37 CFR

1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director

may require additional information where there is a question whether the delay was

unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner

for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Information Disclosure Statement

4.   The information disclosure statement (IDS) submitted on 07/09/01 has been

considered by the examiner.

Specification

5.   Applicant is reminded of the proper content of an abstract of the disclosure.

       The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

6.   The section "Conclusion, Ramification and Scope of the Invention" on page 18, should not follow the claims. This section should either be removed or moved to the end of the "Detailed Description of the Invention".

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,253,234 by Hunt et al. (Hunt).

9.   With respect to Claim 1, Hunt teaches a method by which one or a plurality of networked processors learn from the experiences of itself and/or of its peers (Col. 3 lines 5-12 and Col. 5 line 65 - Col. 6 line 9) comprising: a. receiving, at a local processor, a request for a datum or data, and/or a program or plurality of programs, and/or a feature or a plurality of features, and/or a procedure or plurality of procedures and/or a resource or plurality of resources (Col. 7 lines 29-35 - a local cache, relative to

the browser making the request, can receive a request for data); b. determining, at said

local processor, if said request is immediately serviceable locally (Col. 7 lines 29-35 and

Col. 1 line 66 - Col. 2 line 9 - the local cache is first checked for the requested data); c.

servicing the request using and/or responding with, at said local processor, said datum

or data, and/or said program or plurality of programs, and/or said feature or a plurality of

features, and/or said procedure or plurality of procedures and/or said resource or

plurality of resources (Col. 7 lines 29-35 and Col. 1 line 66 - Col. 2 line 9 - if the data is

in the local cache, the local cache will respond with the data).

10.   With respect to Claim 2, Hunt teaches all the limitations of Claim 1 and further

teaches wherein said request is transmitted to a master processor or a plurality of

processors via a channel of best available speed and/or other qualities, of a

communication network (Col. 7 lines 29-38 and lines 62-67 - a request is transmitted to

an associated proxy that knows the contents of other local caches) further comprising

the steps of: a. determining at said master processor or said plurality of processors, if

said request is immediately serviceable by said master processor or said plurality of

processors (Col. 7 lines 54-67 - outlines the general procedure for determining if the

requested data is located on one of the local cache and therefore serviceable by that

cache); b. a response is determined to said request (Col. 7 lines 54-67); c. transmitting

said response to said request via said channel of best available speed and/or other

qualities, of said communication network to said local processor (Col. 7 line 62 - Col. 8

line 15). d. updating, at said local processor, said datum or data, and/or said program or

plurality of programs, and/or said feature or a plurality of features, and/or said procedure

or plurality of procedures and/or said resource or plurality of resources according to said response (Col. 7 line 62 - Col. 8 line 15 - The local cache relative to the requesting browser, will be updated with the transmitted response).

11.   With respect to Claim 3, Hunt teaches all the limitations of Claim 1 and further teaches wherein the request is transmitted to a master processor or a plurality of processors via a channel of best available speed and/or other qualities, of a communication network (Col. 7 lines 29-38 and lines 62-67 - a request is transmitted to an associated proxy that knows the contents of other local caches) further comprising the steps of: a. determining at said master processor or said plurality of processors that said request must be placed in a queue of requests (Col. 7 lines 38-50 - If the requested data is not cached locally, the request will be routed to the internet source); b. informing an authority, either human, processor, or other designated device or object, of said request in said queue (Col. 7 lines 38-50 - The authority is the internet source); c . a response to said request is determined by said authority (Col. 7 lines 38-50 and Col. 1 lines 33-65); d. said response to said request is transmitted via said channel of best available speed and/or other qualities, of said communication network to said local processor (Col. 7 lines 38-50 and Col. 1 lines 33-65); e. updating, at said local processor, said datum or data, and/or said program or plurality of programs, and/or said feature or a plurality of features, and/or (Col. 7 line 62 - Col. 8 line 15 - The local cache relative to the requesting browser, will be updated with the transmitted response from the internet source).

12.   With respect to Claim 4, Hunt teaches all the limitations of Claim 3 and further

teaches the step of: a. a notice is sent by said master processor or said plurality of

processors to a subscriber or plurality of subscribers and/or client processor or plurality

of client processors of the availability of said response to said request, comprised of a

new datum or data, and/or a program or plurality of programs, and/or a feature or a

plurality of features, and/or a procedure or plurality of procedures and/or a resource or

plurality of resources (Col. 8 lines 15-24 - When 2 proxies are present, one will inform

the other of any new data available).

13.   With respect to Claim 5, Hunt teaches all the limitations of Claim 4 and further

teaches the step of: a . downloading by said subscriber or said plurality of subscribers

and/or said client processor or said plurality of processors, individually and severally, of

a new datum or data, and/or a program or plurality of programs, and/or a feature or a

plurality of features, and/or a procedure or plurality of procedures and/or a resource or

plurality of resources by any available means (Col. 8 lines 15-24 - When 2 proxies are

present, one will inform the other of any new data available which will then update its

contents information to reflect the new data) (Col. 8 lines 3-14 - a client processor which

requested the data will also download the new data).

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15.   U.S. Patent 5,628,011 by Ahamed et al. "Network-based intelligent information-sourcing arrangement" May 6, 1997. Discloses a network-based system for taking queries and processing them through hierarchically arranged knowledge bases.

16.   U.S. Patent 5,960,204 by Yinger et al. "System and method for installing applications on a computer on an as needed basis" September 28, 1999. Discloses system capable of determining if a client computer currently has an application installed and if so, if it is a current version.

17.   U.S. Patent 6,430,602 by Kay et al. "Method and system for interactively responding to instant messaging requests" August 6, 2002. Discloses a system capable of answering queries made through an instant messaging application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

David Lazaro
November 18, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER